UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/617,524	07/10/2003	Craig Fellenstein	AUS920030255US1	3552

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EXAMINER
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ART UNIT	PAPER NUMBER
2166	

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Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	10/617,524	FELLENSTEIN ET AL.
	Examiner	Art Unit	
	Shew-Fen Lin	2166	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>10 July 2003</u>.

2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-31</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1-31</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on <u>10 July 2003</u> is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

Detail Action

a. This action is responsive to communications: application filed on 7/10/2003.

b. Claims 1-31 are pending in this Office Action. Claims 1 and 18 are independent claims.

Drawings

The drawings are objected to because they fail to show necessary textual labels of features or symbols in Figures 2-4 as described in the specification. For example, providing the correct label (yes/no) for the decision blocks, would give the viewer necessary detail to fully understand this element at a glance. A *descriptive* textual label for *each numbered element* in these figures would be needed to fully and better understand these figures without substantial analysis of the detailed specification. Any structural detail that is of sufficient importance to be described should be shown in the drawing. Optionally, applicant may wish to include a table next to the present figure to fulfill this requirement. See 37 CFR 1.83. 37 CFR 1.84(n)(o) is recited below:

"(n) Symbols. Graphical drawing symbols may be used for conventional elements when appropriate. The elements for which such symbols and labeled representations are used must be adequately identified in the specification. Known devices should be illustrated by symbols which have a universally recognized conventional meaning and are generally accepted in the art. Other symbols which are not universally recognized may be used, subject to approval by the Office, if they are not likely to be confused with existing conventional symbols, and if they are readily identifiable.

(o) Legends. Suitable descriptive legends may be used, or may be required by the Examiner, where necessary for understanding of the drawing, subject to approval by the Office.

Claim Objections

Claims 1, 2, and 8 are objected to because of the following informalities:

In claim 1, line 5, " a retrieved identifier" should be "the retrieved identifier".

In claim 2, line 1, "step 1" is indefinite.

In claims 8 and 10, line 1, "wherein said wherein said" is indefinite.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 5 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 5 recites the limitation "next entry identifier for a marked entry" in line 6. There is insufficient antecedent basis for this limitation in the claim.

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 5 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Claim 5 recites "determining whether there are more entries in the index to compare with the identifier of the file", and further "retrieving a next file identifier... and returning to said comparison step", it is unclear which identifier will be used to compare for the remaining entries.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-2, 6-9, 11, 13-19, 23-26, 28, and 30-31 are ejected under 35 U.S.C. 102(e) as being anticipated by Hung (US Patent 6,772,143).

As to claims 1 and 18, Hung discloses a system with methods /means / system for predicting the storage location of file (automatic store and organize message files, column 1, lines 31-38) comprising the steps of:

retrieving an identifier for the file for which predictive storage is desired (message-filter expression as identifier, Figure 3, item 32, column 3, lines 35-37, column 4, lines 18-26);

comparing the retrieved identifier with a set of file storage locations in a storage index (compare expression with folder. Figure 3, item 34, column 3, lines 37-39, column 10, lines 1-7);

determining whether there is a match between a retrieved identifier and a storage location from the storage index (check the matching between expression and folder, Figure 3, item 34, column 3, lines 37-39, column 10, lines 9-13); and

storing the file in the storage location matching the retrieved storage identifier (store the file in the folder when message satisfies the expression for the folder, Figure 3, item 36, column 3, lines 39-40, column 10, lines 44-47).

As to claims 2 and 19, Hung discloses the elements of claims 1 and 18 as noted above and furthermore; before step 1 the step of creating an initial storage index wherein each storage location entry in the index has a predetermined identifier (auto file rule is defined for folders, column 7, lines 40-45).

As to claims 6 and 23, Hung discloses the elements of claims 1 and 18 as noted above and furthermore; after said match determination step, the steps of:

marking an entry having an identifier that matches the file identifier (query the table of

folder to mark the match between message and expression, column 10, lines 9-13);

determining whether there are more entries in the index to compare with the identifier of

the document (compare with folder in the table, column 10, lines 16-29);

determining whether there are any marked entries, when there is a determination that

there are no more entries in the index to compare with the file identifier (check if there is match

between message and folder, column 10, lines 16-29); and

creating a new storage location in which to store the file when there is a determination

that there are no entries matching the file identifier (create new folder if no match was found,

column 10, lines 47-51).

As to claims 7 and 24, Hung discloses the elements of claims 1 and 18 as noted above

and furthermore; the step of adding the newly created storage location to the storage location

index (add new folder to folder table, column 10, lines 47-51).

As to claims 8 and 25, Hung discloses the elements of claims 1 and 18 as noted above

and furthermore; wherein said match determination step further comprises the step of

determining whether there are more entries in the index when there is a determination that there

is not a match between the file identifier and an entry in the index (if there is no match between

message and folder expression, then proceed to next folder expression, if any, column 10, lines

23-29).

As to claims 9 and 26, Hung discloses the elements of claims 1 and 18 as noted above

and furthermore; the step of retrieving the next entry from the index when there is a

determination that there are more entries in the storage location index and returning to said

comparison step (if there is no match between message and folder expression, then proceed to

next folder expression, if any, column 10, lines 23-29).

As to claims 11 and 28, Hung discloses the elements of claims 1 and 18 as noted above

and furthermore; after said match determination step, the steps of:

marking a storage location entry that matches the file identifier (query the table of folder

to mark the match between message and expression, column 10, lines 9-13);

determining whether there are more entries in the index to compare with the identifier of

the file (compare with folder in the table, column 10, lines 16-29);

determining whether there are any marked entries, when there is a determination that

there are no more entries in the index to compare with the file identifier (check if there is match

between message and folder, column 10, lines 16-29); and

storing the file to a default storage location when there is a determination that there are no

entries matching the file identifier (column 8, lines 57-59).

As to claims 13 and 30, Hung discloses the elements of claims 1 and 18 as noted above

and furthermore; before said identifier retrieval step, the step of receiving a store file request

(request to save the message, column 9, lines 8-12).

As to claims 14 and 31, Hung discloses the elements of claims 1 and 18 as noted above

and furthermore; before said identifier retrieval step, the step of determining whether there is an

activated user override and storing the file as designated by the user when there is a

determination of an active user override (user can select folder to store message, column 9, lines

1-7).

As to claim 15, Hung discloses the elements of claims 1 and 18 as noted above and

furthermore; the storage location identifier is a string of words (parameter for message-filter

expression include a word, multiple words, column 4, lines 40-43).

As to claim 16, Hung discloses the elements of claims 1 and 18 as noted above and

furthermore; the storage location identifier is a string of characters (parameter for message-filter

expression include a word, multiple words, column 4, lines 40-43).

As to claim 17, Hung discloses the elements of claims 1 and 18 as noted above and

furthermore; the storage location identifier is one word (parameter for message-filter expression

include a word, multiple words, column 4, lines 40-43).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the

claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various

claims was commonly owned at the time any inventions covered therein were made absent any

evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out

the inventor and invention dates of each claim that was not commonly owned at the time a later

invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c)

and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 3, 10, 12, 20, 27, and 29 are rejected under 35 U.S.C. 103(a) as being obvious

over Hung as applied to claims 1 and 18 as noted above, and further in view of Bhide (US Patent

6,564,214).

As to claims 3 and 20, Hung discloses the elements of claims 1 and 18 as noted above

and furthermore; after said match determination step, the steps of:

marking a storage entry having an identifier that matches the file identifier (query the table of folder to mark the match between message and expression, column 10, lines 9-13);

determining whether there are more storage entries in the index to compare with the identifier of the file to be stored (compare with folder in the table, column 10, lines 16-29);

determining whether there are any marked entries, when there is a determination that there are no more entries in the index to compare with the file identifier (check if there is match between message and folder, column 10, lines 16-29);

determining whether there is more than one entry matching the file identifier, when there is a determination that there are marked entries in the index (column 10, lines 12-16); and

storing the file in the storage location with the matching identifier when there is only one storage entry matching the file identifier.

Hung discloses the elements of claims 3 and 20 as noted above but does not explicitly disclose storing the file in the storage location with the matching identifier when there is only one storage entry matching the file identifier.

Bhide discloses unique match string (identifier) with lookup search (Figure 3, column 5, lines 26-30).

It would have been obvious to a person of ordinary skill in the art at the time of invention was made to modify Hung's disclosure to include selecting a unique match folder to store file as taught by Bhide for the purpose of permitting more accurate and meaningful association the storage location and file to be stored (column 4, lines 41-43, Bhide). The skilled artisan would

have been motivated to improve the invention of Hung per the above such that storage location

can be uniquely identified (Figure 4, item 230, Bhide).

As to claims 10 and 27, Hung discloses the elements of claims 1 and 18 as noted above

and furthermore; wherein said match determination step further comprises the steps of:

determining whether there are more entries in the index when there is a determination

that there is not a match between the file identifier and an entry in the index;

determining whether there are any marked entries, when there is a determination that

there are no more entries in the index to compare with the file identifier (check if there is match

between message and folder, column 10, lines 16-29);

determining whether there is more than one entry matching the file identifier, when there

is a determination that there are marked entries in the index (column 10, lines 12-16); and

storing the file in the storage location with the matching identifier when there is only one

storage location entry matches the file identifier.

Hung discloses the elements of claims 10 and 27 as noted above but does not explicitly

disclose storing the file in the storage location with the matching identifier when there is only

one storage entry matching the file identifier.

Bhide discloses unique match string (identifier) with lookup search (Figure 3, column 5,

lines 26-30).

It would have been obvious to a person of ordinary skill in the art at the time of invention

was made to modify Hung's disclosure to include selecting a unique match folder to store file as

taught by Bhide for the purpose of permitting more accurate and meaningful association the

storage location and file to be stored (column 4, lines 41-43, Bhide). The skilled artisan would

have been motivated to improve the invention of Hung per the above such that storage location

can be uniquely identified (Figure 4, item 230, Bhide).

As to claims 12 and 29, Hung discloses the elements of claims 1 and 18 as noted above

and furthermore; after said match determination step, the steps of:

marking a storage location entry that matches the file identifier (query the table of folder

to mark the match between message and expression, column 10, lines 9-13);

determining whether there are more entries in the index to compare with the identifier of

the file (compare with folder in the table, column 10, lines 16-29);

determining whether there are any marked entries, when there is a determination that

there are no more entries in the index to compare with the file identifier (check if there is match

between message and folder, column 10, lines 16-29); and

retrieving a next file identifier and a next matching entry and returning to said

comparison step, when there is a determination that there are no storage entry identifiers

matching the file identifier (more complex expression can be used, like conditional/or, column

10, lines 30-34).

Hung discloses the elements of claims 12 and 29 as noted above but does not explicitly

disclose retrieving a next file identifier and a next matching entry and returning to said

comparison step, when there is a determination that there are no storage entry identifiers

matching the file identifier.

Bhide discloses using different string for matching when there is no match found using

first string (identifier) for lookup search (Figure 4, item 240, column 5, lines 44-52).

It would have been obvious to a person of ordinary skill in the art at the time of invention

was made to modify Hung's disclosure to use second string (identifier) for matching as taught by

Bhide for the purpose of permitting more accurate and meaningful association the storage

location and file to be stored (column 4, lines 41-43, Bhide). The skilled artisan would have

been motivated to improve the invention of Hung per the above such that storage location can be

uniquely identified (Figure 4, item 230, Bhide).

Claims 4-5 and 21-22 are rejected under 35 U.S.C. 103(a) as being obvious over Hung as

applied to claims 1 and 18 as noted above, and further in view of Binning et al. (US Publish

2004/0214554, hereinafter referred as Binning).

As to claims 4 and 21, Hung discloses the elements of claims 1 and 18 as noted above

and furthermore; after said match determination step, the steps of:

marking an entry having an identifier that matches the file identifier (query the table of

folder to mark the match between message and expression, column 10, lines 9-13);

determining whether there are more entries in the index to compare with the identifier of

the file (compare with folder in the table, column 10, lines 16-29);

determining whether there are any marked entries, when there is a determination that

there are no more entries in the index to compare with the file identifier (check if there is match

between message and folder, column 10, lines 16-29);

determining whether there is more than one entry matching the file identifier, when there

is a determination that there are marked entries in the index (column 10, lines 12-16);

retrieving a next file identifier when there is determination of more than one marked

entry in the index; and returning to said comparison step.

Hung discloses the elements of claims 4 and 21 as noted above but does not explicitly

disclose retrieving a next file identifier when there is determination of more than one marked

entry in the index; and returning to said comparison step.

Binning discloses changing the search terms or by adding more search terms (next

identifier) when there is more than one match (Figure 5, paragraph [0036], paragraph [0037]).

It would have been obvious to a person of ordinary skill in the art at the time of invention

was made to modify Hung's disclosure to use second identifier to search storage location as

taught by Binning for the purpose of narrowing the search and permitting more accurate and

meaningful association the storage location and file to be stored (paragraph [0042], lines 10-15,

Binning). The skilled artisan would have been motivated to improve the invention of Hung per

the above such that storage location can be uniquely identified (Figure 5, item 516, Binning).

As to claims 5 and 22, Hung discloses the elements of claims 1 and 18 as noted above and furthermore; after said match determination step, the steps of:

marking an entry having an identifier that matches the file identifier (query the table of folder to mark the match between message and expression, column 10, lines 9-13);

determining whether there are more entries in the index to compare with the identifier of the file (compare with folder in the table, column 10, lines 16-29);

retrieving a next file identifier and a next entry identifier for a marked entry; and returning to said comparison step.

Hung discloses the elements of claims 5 and 22 as noted above but does not explicitly disclose retrieving a next file identifier when there is determination of more than one marked entry in the index; and returning to said comparison step.

Binning discloses changing the search terms or by adding more search terms (next identifier) when there is more than one match (Figure 5, paragraph [0036], paragraph [0037]).

It would have been obvious to a person of ordinary skill in the art at the time of invention was made to modify Hung's disclosure to use second identifier to search storage location as taught by Binning for the purpose of narrowing the search and permitting more accurate and meaningful association the storage location and file to be stored (paragraph [0042], lines 10-15, Binning). The skilled artisan would have been motivated to improve the invention of Hung per the above such that storage location can be uniquely identified (Figure 5, item 516, Binning).

Related Prior Arts

The following list of prior art made of record and not relied upon is considered pertinent

to applicant's disclosure.

- Yu, Shuling et al.,US 20020188612 A1, "Wizard and help file search and

  management",(... If more than one help utility is found during the search, all

  matches are displayed, and one help utility may be selected from the list. If after

  searching the database of the plurality of functions, no interactive help utility is

  found matching one of the plurality of help utilities, the search dialog is presented

  to allow additional searching).

- Leung, Albert et al., US 20030046270 A1, "Techniques for storing data based

  upon storage policies", (...Automated techniques for storing data in a data storage

  environment. Techniques are provided for determining storage locations for data

  in a heterogeneous storage environment based upon storage policies configured

  for the storage environment).

- Kasmirsky, Yehoshaphat et al., US 20040158676 A1, "Content-based storage

  management", (...data to be stored in one of a plurality of different storage

  options according to at least one characteristic of the data, in which the at least

  one characteristic is related to the content of the data).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shew-Fen Lin whose telephone number is 571-272-2672. The examiner can normally be reached on 8:30AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain Alam can be reached on 571-272-3978. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Art Unit 2166
January 4, 2006

Shew-Fen Lin
Patent Examiner

MOHAMMAD ALI
PRIMARY EXAMINER